



SUPERIOR COURT

COUNTY OF MADERA
STATE OF CALIFORNIA

JOSEPH SOLDANI
PRESIDING JUDGE

DALE J. BLEA
ASSISTANT PRESIDING JUDGE

BONNIE THOMAS
COURT EXECUTIVE OFFICER/JURY COMMISSIONER

200 SOUTH "G" STREET
MADERA, CA 93637
(559) 416-5599
FAX (559) 675-6565

March 27, 2017

To Whom It May Concern:

Thank you for taking the time to review the proposed amendments to our Local Rules, which become effective July 1, 2017. If you have any questions or comments about any of these proposed amendments, please contact me at the above address, or e-mail me at jaimie.andree@madera.courts.ca.gov, and include "Local Rules 2017" in the subject line. Please contact me with your questions or concerns no later than May 8, 2017.

The full version of our revised Local Rules can be found on our website at:
<http://madera.courts.ca.gov/MaderaLocalRules.htm>.

Please note that, in addition to the changes detailed below, the following non-substantive changes have been made:

- Throughout, minor spacing, grammar, and wording issues have been addressed. This includes updating dates, where appropriate;
- Several citations to statutes and court rules have been updated and otherwise corrected;
- Note that the Table of Contents, List of Effective Rules, and the Index may not be updated until the rules are formally adopted or amended.

Thank you again for your interest and feedback.

Sincerely,

Jaime Andree, Research Attorney



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Summary of Proposed Amendments to Local Rules

SUMMARY:

The proposed amendments to the court's Local Rules ("Rules"), are part of the court's continuing effort to review, correct, and update its Rules as needed.

Below is the full text of proposed local rules with deletions noted in ~~striketrough~~ and additions noted in underline.

Chapter 6 Attorney, Investigator and Expert Fees

1.6.4 Attorney Fees Upon Entry of Default in Actions on Promissory Notes, Contracts Providing for Payment of Attorney Fees, Actions on Book Accounts and Foreclosures. The following attorney fees shall, under normal circumstances, be awarded upon entry of default judgment in actions on promissory notes, contracts providing for the payment of attorney fees, actions on book accounts and foreclosures:

~~(a) — Default action on note or contract, exclusive of costs:~~

\$0.01 to \$1,000	15%, with minimum fee of \$75
\$1000.01 to \$10,000	\$150 plus 6% excess over \$1,000
\$10,000.01 to \$50,000	\$690 plus 3% of excess over \$10,000
\$50,000.01 to \$100,000	\$1,890, plus 2% of excess over \$50,000
Over \$100,000	\$2,690 plus 1% of excess over \$100,000

~~In an action upon contract providing for an attorney fee, the Clerk shall include in the judgment an attorney fee in accordance with this schedule, not to exceed the amount prayed for in the complaint.~~

~~(b) — Contested Action on Note or Contract:~~

~~\$0.01 to \$1,000 — 50%, with a minimum of \$500~~

\$1,000.01 to \$10,000	\$500 plus 15% of excess over \$1,000
\$10,000.01 to \$50,000	\$1,850 plus 10% of excess over 10,000
\$50,000.01 to \$100,000	\$5,850. plus 8% of excess over \$50,000
Over \$100,000	\$9,850 plus 6% of excess over \$100,000

When the clerk is authorized by statute to enter judgment that includes attorney fees pursuant to an approved fee schedule, the clerk must use the above-approved fees when determining and entering the clerk's judgment. The amount of attorney fees awarded must not exceed the amount of fees prayed for in the complaint.

Fees for actions on a book account, which are specifically allowed by Civil Code § 1717.5, are subject to the above schedule.

(c) Foreclosure of Mortgage or Trust Deed. ~~The same amount as computed under section (a) or (b) of this rule applies, then increased by ten percent (10%).~~ Fees for actions on a foreclosure of mortgage or trust deed are subject to the above schedule, then increased by ten percent (10%). (Amended 1/1/15, 7/1/17)

(d) Foreclosure of Assessment or Bond Lien Relating to a Public Improvement. ~~The same amount as computed under section (a) or (b) of this rule, except that the minimum fee shall be \$75 in an action involving one assessment or bond and an additional \$20 for each additional assessment or bond being foreclosed in the same action.~~ Fees for actions on a foreclosure of assessment or bond lien relating to a public improvement are subject to the above schedule, except that the minimum fee shall be \$75 in an action involving one assessment or bond and an additional \$20 for each additional assessment or bond being foreclosed in the same action. (Amended 1/1/13, 1/1/15, 7/1/17)

(e) Additional Fees. ~~A petition for compensation for additional services rendered under this part shall include an itemized statement of the services rendered or to be rendered by the attorney and a reference in the caption and prayer to the request for additional fees. An appearance by the attorney or the parties is not normally required. In determining such fees, the Court shall consider the experience of counsel, the time expended, the complexity of the issues, the amount in controversy and the results achieved.~~ An attorney seeking fees in excess of the fees stated above must submit a proposed order and written declaration with an itemized statement of services rendered to substantiate any claim for additional fees. (Amended 7/1/17)

(d) Judicial Discretion. A judge retains complete discretion in awarding attorney fees based on the circumstances of the action, including the experience of counsel, the time expended, the complexity of the issues, the amount in controversy, and the results achieved. A judge may require an attorney to submit a written declaration with an itemized statement of services rendered, and other supporting documentation, to substantiate any claim for attorney fees. (Effective 7/1/17)

(Effective 7/1/08, ~~section (d) amended 1/1/13, sections (c) and (d) amended 1/1/15,~~ Amended 7/1/17)